

ESTTA Tracking number: **ESTTA1097235**Filing date: **11/23/2020**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91265309
Party	Defendant Zox LLC
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Submission	Answer and Counterclaim
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Signature	/Katherine Bond/
Date	11/23/2020
Attachments	20201123 ZoxList Answer and Counterclaim FINAL.pdf(329189 bytes) Pet. to Cancel Exhibits A-D.pdf(4606939 bytes) Pet. to Cancel Exhibit E.pdf(5084261 bytes)

Registration Subject to the filing

Registration No.	5268843	Registration date	08/22/2017
Registrants	<p>Andrew Zox CHURCH ST. STA. - PO BOX 3236 NEW YORK, NY 100083236 UNITED STATES</p> <p>Daniel Zox CHURCH ST. STA. - PO BOX 3236 NEW YORK, NY 100083236 UNITED STATES</p> <p>John Zox CHURCH ST. STA. - PO BOX 3236 NEW YORK, NY 100083236 UNITED STATES</p>		

Goods/Services Subject to the filing

Class 009. First Use: 2006/01/01 First Use In Commerce: 2006/01/01

All goods and services in the class are requested, namely: Prerecorded video cassette tapes, audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring live action, computer generated, animated cartoons and musical entertainment and educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology; film and video equipment, namely still, motion picture film and video cameras, videocassette recorders, videocassette players, digital video or audio players, and film and video editing machines; computer software for film and video editing; eyeglasses

Class 041. First Use: 2006/01/01 First Use In Commerce: 2006/01/01

All goods and services in the class are requested, namely: Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video and interactive media in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting; publication of books and screenplays; providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training; production of audio and audiovisual recordings; Entertainment in the nature of live radio personality performances; Entertainment services, namely, providing webcasts and video podcasts in the field of personality performances

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK
TRIAL AND APPEAL BOARD**

JOHN ZOX, an individual	Trademark: ZOXLIST
Opposer,	Serial No.: 88/582,432
v.	Filed: August 16, 2019
ZOX LLC,	Published: April 14, 2020
Applicant.	Opposition No.: 91265309

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION,
AFFIRMATIVE DEFENSES AND COUNTERCLAIM

Applicant, Zox LLC (“Zox” or “Applicant”), for its answer to the Notice of Opposition filed by John Zox (“Opposer”) against its application for registration of Zox’ trademark ZOXLIST, Serial No. 88/582,432 filed August 16, 2019, and published in the Official Gazette on April 14, 2020 (the “ZOXLIST Mark” or “‘432 Application”), pleads and avers as follows:

ANSWER

Applicant is without knowledge or information sufficient to form a basis to admit or deny that Opposer is an individual residing in New York, New York and, therefore, denies the same. Applicant admits that by this Opposition Proceeding, Opposer seeks to oppose Application Serial No. 88/582,432. Applicant denies any and all remaining allegations as set forth in the introductory paragraph of the Notice of Opposition.

1. Applicant admits that Opposer purports to be a member of a band purportedly called “Zox.” Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 1 and, therefore, denies all such allegations.

2. Applicant lacks knowledge and information sufficient to admit or deny the

allegations of Paragraph 2 and, therefore, denies all such allegations.

3. Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 3 and, therefore, denies all such allegations.

4. Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 4 and, therefore, denies all such allegations.

5. As to the allegations in Paragraph 5, according to Spotify, the band Zox appears to have 15,790 monthly listeners and approximately 9,000 monthly listeners on Pandora. Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 5 and, therefore, denies all such allegations.

6. Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 6 and, therefore, denies all such allegations.

7. As to the allegations in Paragraph 7, Applicant submits according to the United States Patent and Trademark Office records:

- Registration No. 2,965,344 was cancelled on October 12, 2012;
- Registration No. 2,838,652 was cancelled on December 10, 2010;
- Registration No. 5,268,843 is subject of a pending cancellation action no. 92074323; and
- Application Serial No. 88/228,839 is subject of a pending opposition proceeding no. 91252817.

Applicant submits the application and registration records cited herein are the best evidence of their content and reference is hereby made to the same. Applicant denies any and all remaining allegations in Paragraph 7.

8. Applicant lacks knowledge and information sufficient to admit or deny the allegations of Paragraph 8 and, therefore, denies all such allegations.

9. As to the allegations in Paragraph 9, Applicant admits it filed a cancellation action against United States Trademark Registration No. 5,268,843 and asserted U.S. Trademark Application Serial No. 88/582,432 along with several other ZOX marks owned by Applicant as a basis for cancellation, Applicant lacks knowledge and information sufficient to admit or deny the remaining allegations of Paragraph 9 and, therefore, denies all such allegations.

10. Applicant admits the allegations in Paragraph 10.

11. Applicant admits the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. As to the allegations of Paragraph 13, Applicant admits its first use in commerce date for the '432 Application is listed as November 27, 2012. Applicant denies the remaining allegations in Paragraph 13.

14. As to the allegations of Paragraph 14, Applicant admits the filing date of the '432 Application is listed as August 16, 2019. Applicant denies the remaining allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Applicant denies the allegations in Paragraph 16.

17. Applicant denies the allegations in Paragraph 17.

18. Applicant denies the allegations in Paragraph 18.

19. Applicant denies the allegations in Paragraph 19.

20. Applicant denies the allegations in Paragraph 20.

21. As to the allegations in Paragraph 21, Applicant admits on or about August 16, 2019, Applicant filed the '432 Application for the mark ZOXLIST, which included a sworn

declaration signed under penalty of perjury by Kara Kuipers, counsel for Applicant, that the mark ZOXLIST was “first used in commerce at least as early as 11/27/2012, and is now in use in such commerce” in International Class 35.

22. Applicant denies the allegations in Paragraph 22.

23. Applicant denies the allegations in Paragraph 23.

24. Applicant denies the allegations in Paragraph 24.

25. Applicant denies the allegations in Paragraph 25.

26. Applicant denies the allegations in Paragraph 26.

27. Applicant denies the allegations in Paragraph 27.

28. Applicant denies the allegations in Paragraph 28.

29. Applicant denies the allegations in Paragraph 29.

30. As to the allegations in Paragraph 30, Applicant admits the ‘432 Application to register the mark ZOXLIST included a sworn declaration by Kara Kuipers, counsel for Applicant, to the U.S. Patent & Trademark Office in which Ms. Kuipers affirmatively stated that:

If the applicant is filing the application based on use in commerce under 15 U.S.C.

§ 1051(a): The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered; The mark is in use in commerce on or in connection with the goods/services in the application; The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and The facts set forth in the application are true...[and] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like

may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

31. Applicant denies the allegations in Paragraph 31.

32. Applicant denies the allegations in Paragraph 32.

33. Applicant denies the allegations in Paragraph 33.

The remainder of the Notice of Opposition contains Opposer's prayer for relief, to which no response is required. To the extent a response is required, Applicant denies the allegations in Opposer's prayer for relief and further states that Opposer is not entitled to any relief in this opposition.

AFFIRMATIVE DEFENSES

Zox LLC asserts that the following defenses are at issue or will be at issue after an opportunity to conduct discovery:

First Affirmative Defense

Opposer fails to state a claim upon which relief can be granted.

Second Affirmative Defense

As a result of Applicant its predecessors in interest, and/or related entities use of the Zox Mark since the time of Applicant's adoption thereof, the Zox Mark has developed significant goodwill among the consuming public and consumer acceptance of the goods and services offered by Applicant in conjunction with the Zox Mark. Such goodwill and widespread usage have caused the Zox Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

Third Affirmative Defense

Opposer's claim is barred because Applicant has priority of use of the Zox Mark over

Opposer as to the mark at issue. Applicant has priority of use of the mark over Opposer as to the goods, services and market at issue. As the assignee of Zox International, Inc., Opposer is the owner by assignment of the goodwill in the mark ZOX (i.e. Reg. No. 2992108 for which a Section 8 declaration was filed and accepted by the Trademark Office), where the assigned mark was first used in commerce at least as early as 1992 or well before any date of first use claimed by Opposer. Zox International, Inc. used the mark ZOX as an identifier for a variety of goods and services.

Fourth Affirmative Defense

Opposer's claim is barred because of his own conduct, affirmative statements and admissions, as well as a result of Opposer's failure to timely assert any objection to the alleged use of the mark ZOX by Applicant. Consequently, Opposer has waived any cause of action and/or claim for relief in conjunction therewith, and thus is barred or precluded from maintaining such action or obtaining any judgment or relief whatsoever against Applicant. Opposer has had actual knowledge of Applicant's ZOX marks for at least several years.

Fifth Affirmative Defense

Applicant has been using the Zox Mark and developing consumer recognition and goodwill therein since at least as early as 2011, such use being open, notorious and known to Opposer and such knowledge, in turn, being known to Opposer. During this time Opposer failed to take meaningful action to assert the claims on which it bases this Opposition, on which inaction Applicant has relied to its detriment. Opposer's claims are consequently barred by the doctrines of laches, acquiescence and estoppel.

Sixth Affirmative Defense

Opposer has unclean hands, by virtue of the measures taken by Opposer, to intentionally and wrongfully provide false information to the United States Patent and Trademark Office in connection with the prosecution of Registration No. 5,268,843 and Application Serial No. 88/228,839 and in this Opposition proceeding.

Seventh Affirmative Defense

Opposer abandoned his rights, if any, in his asserted mark through non-use, ornamental use, or by acts that caused the mark to lose its significance as an indication of origin. Upon information and belief, Opposer made no use of the ZOX mark in commerce on some or all of the goods and services listed in Registration No. 5,268,843 and Application Serial No. 88/28,839 for at least three years between 2014 and 2020 and likely for all such years.

Eighth Affirmative Defense

Opposer's claims are barred because Opposer's mark is unenforceable against Applicant due to Opposer's failure to use the mark in commerce for one or more years. Upon information and belief, Opposer made no use of the ZOX mark in commerce on some or all of the goods and services listed in Registration No. 5,268,843 and Application Serial No. 88/28,839 for at least one year between 2014 and 2020 and likely for all such years.

COUNTERCLAIM TO CANCEL OPPOSER'S REGISTRATION NO. 5,268,843

Applicant (hereinafter "Petitioner"), by and through its undersigned attorneys, alleges as follows:

PETITION TO CANCEL

Petitioner ZOX LLC, a California Limited Liability Company having offices at 5304 Derry Avenue Suite G, Agoura Hills, California 91301 ("Petitioner") has been damaged by the registration of the trademark shown in United States Trademark Registration No. 5,268,843, (hereinafter "the '843 Registration") registered on August 22, 2017 to Registrants John Zox, Daniel Zox and Andrew Zox (collectively "Registrants"), individuals, having a listed address of Church Street Station, PO Box 3236, New York, New York 10008. Petitioner hereby petitions to cancel the '843 Registration in whole or in part under 15 U.S.C. § 1064(3) on the basis of (1) Petitioner's prior rights in Petitioner's registered and common law trademark rights in its ZOX marks, (2) Registrants' procurement and maintenance of a registration in the U.S. Patent & Trademark Office for Registrants' ZOX mark by a false or fraudulent declaration or representation in writing, and, (3) non-use or discontinuance of use of Registrants' mark and intent not to resume or begin such use.

The grounds for the petition to cancel Registrants' ZOX mark are as follows:

FACTS

Background on Registrants and Petitioner's ZOX Marks


1. Petitioner is the owner of a globally recognized retail company that goes by the name of ZOX. Petitioner sells its products in over 170 different countries and into all 50 United States. Petitioner sells a wide range of retail products including, wall prints, collector cards, coloring books, keychains, gift cards, binders, wristbands, bracelets, pins, rings, hoodies, t-shirts, hoodie strings, and various types of bags with interchangeable straps. Petitioner also provides a wide range of services in connection with its brand, including live video streams, YouTube videos, charitable fundraisers and blog content in the field of art, fashion and self-help. (See Exhibit A.)

2. Consumers all around the world collect, buy, sell and trade, Petitioner's goods at or over MSRP due to the goodwill that Petitioner has created in the ZOX brand. (See Exhibit B.)

3. Petitioner has a large social media presence, including an email list of over 562,000 persons, 202,000 Instagram followers, 280,000 likes and 286,000 followers on its brand Facebook page, and 17,000 active members in its Facebook VIP support group. Additionally, numerous fanpages have been made by Petitioner's customers. Petitioner uses its brand and social media platforms to encourage others through live streams, YouTube videos, charitable work and emotional support groups. (See Exhibit C.)


4. Throughout its existence, Petitioner has acquired, owned and used several marks over the years, all primarily containing the standard character mark "ZOX" to identify its goods and services.


5. Petitioner owns in whole or in part the right, title and interest in and to the ZOX marks, the applications and registrations for which are indicated below:

Mark and Owners	Reg. No.	Goods	Class	Use In Commerce	Filing Date	Reg. Date
 (House of Kuipers LLC)	2992108	Clothing and accessories; namely, jackets, coats, sweaters, pants, shirts, shorts, swimwear, and undergarments for women and men, jogging suits, T-shirts, tank tops, jerseys, cotton woven shirts, knit shirts, polo shirts, golf shirts, dresses, blouses, nightgowns, pajamas, sweat pants, sweatshirts, jogging suits, neckties, belts, suspenders, sandals, shoes, caps, hats, wrist bands, head bands, sun visors, scarves, bandannas, ear muffs, gloves, mittens, leg warmers, pantyhose, stockings, leotards, tights, and leggings.	025	Oct. 01, 1992	May 10, 2004	September 6, 2005
ZOX STRAPS	4412948	Elastic fabric wristbands in the nature of a bracelet	Class 014	Sept. 15, 2011	Oct. 3,	Oct. 8, 2013

(House of Kuipers LLC)					2011	
ZOX (House of Kuipers LLC)	4465691	Wristbands in the nature of a bracelet.	Class 14	Sept. 15, 2011	May 31, 2013	Jan. 14, 2014
	4465691	Wristbands; shirts	Class 025	Sept. 15, 2011	May 31, 2013	Jan. 14, 2014
ZOXBOX (House of Kuipers LLC)	4759961	Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Wristbands.	Class 025	May 30, 2012	Nov. 2, 2014	June 23, 2015
ZOX (House of Kuipers LLC)	5233845	Backpacks	Class 018	Oct. 31, 2016	July 7, 2016	June 27, 2017
	5233845	On-line retail and wholesale store services	Class 035	Aug. 2011	July 7,	June 27, 2017

		featuring clothing apparel, wristbands, bags and accessories			2016	
ZOX (House of Kuipers LLC)	Pending (Serial No. 8865921 7)	Coloring books; Prints	Class 016	Sept. 15, 2011	Oct. 17, 2019	Pending
ZOX (ZOX LLC)	Pending (Serial No. 8780278 8)	Sunglasses	Class 009	Pending filing of statement of use Notice of allowance issued September 3, 2018	Feb. 19, 2018	Pending filing of statement of use Notice of allowance issued September 3, 2018
ZOXLIST (ZOX LLC)	Pending (Serial No. 8858247 1)	Downloadable software in the nature of a mobile application for allowing users to search for, find, research, analyze, compare, sell, and purchase goods and services via the Internet, global computer	Class 009	Pending filing of statement of use Notice of Allowance issued December	Aug. 16, 2019	Pending filing statement of use Notice of Allowance issued December

		communication networks, and wireless telecommunications networks; downloadable computer application software for mobile phones that enables customers to search an online searchable database in the field of clothing, bags and accessories, and to purchase consumer goods and view product information		10, 2019		10, 2019
ZOX 	Pending (Serial No. 88829957)	Jewelry	Class 014	August 01, 2011	March 11, 2020	Pending
		Hoodies; T-shirts; Wristbands as clothing	Class 025	Aug. 01, 2011		
? ZOX Mystery Pack	Pending (Serial No. 8865709)	Bracelets	Class 014	Sept. 01, 2013	Oct. 16, 2019	Pending

	6)					
ZOXLIST	Pending (Serial No. 8858243 2)	Provision of an on-line marketplace for buyers and sellers of wristbands and bracelets.	Class 035	September 27, 2012	Aug. 16, 2019	Published for Oppositio n on April 14, 2020

6. Registrants have the surname Zox. The primary significance of Registrants’ mark to its customers is that it is their surname.

7. Registrants Daniel Zox and Andrew Zox advertise their film services via the websites danielzox.com and andrewzox.com.

8. Registrants, John Zox, Andrew Zox and Daniel Zox, were members of a local Rhode Island band called “ZOX” that stopped touring in 2009. Currently, John Zox, who is referred to as the “namesake” via the band’s Wikipedia page, is the only one of Registrants still

claiming to be an active part of the band. Registrant John Zox's band has not performed a live musical show in over five years, it's last show occurred on October 11, 2014 in Providence Rhode Island.

9. Since 2014, Registrant John Zox has attempted to benefit from the goodwill that Petitioner has built in the ZOX retail brand instead of building his own goodwill. Registrant John Zox has gone so far as to state to Petitioner's principal, Jason Kuipers, via a telephone conversation in 2016 that because his last name is Zox, he should be entitled to 50% of Petitioner's company should Petitioner ever decide to sell.

10. Registrants are the listed owner of the '843 Registration, which was registered on the Principal Register on August 22, 2017 from an application filed on March 28, 2016. The '843 Registration is for the ZOX standard character service mark for use in connection with "Prerecorded video cassette tapes, audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring live action, computer generated, animated cartoons and musical entertainment and educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology; film and video equipment, namely still, motion picture film and video cameras, videocassette recorders, videocassette players, digital video or audio players, and film and video editing machines; computer software for film and video editing; eyeglasses" Class 009 and "Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video and interactive media in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting; publication of books and screenplays; providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training; production of audio and audiovisual recordings; Entertainment in the nature of live radio personality performances; Entertainment services, namely, providing webcasts and video podcasts in the field of

personality performances” Class 041 (“Registrants’s Goods”). The ‘843 Registration alleges a date of first use anywhere and in commerce of January 1, 2006.

11. Since at least as early as 1991, Petitioner, its predecessors, related companies, or licensees have continuously used the mark ZOX in interstate commerce as an identifier of a variety of goods and services, including clothing, accessories, and bags, and since at least as early as September 11, 2015 for blog services in the field of fashion, art, emotional support and self-help, live stream entertainment services in the field of fashion, art, emotional support and self-help, and interactive forum providing information in the field of fashion, art, emotional support and self-help) (collectively “Petitioner’s Goods and Services”).

12. Petitioner’s ZOX marks have continuously appeared in substantial advertising and promotion of Petitioner’s Goods and Services, such that the marks are closely identified with Petitioner’s Goods and Services and have gained valuable public recognition. Petitioner’s marks are inherently distinctive or have become distinctive through the acquisition of secondary meaning. By virtue of its sales of high-quality products and services bearing its ZOX marks in interstate commerce, its expenditures of considerable sums for promotional activities, and the excellence of its products, Petitioner has developed significant goodwill in its marks and a valuable reputation.

13. Due to Petitioner and its predecessors continuous use of its ZOX marks, Petitioner’s customers do not recognize the ZOX mark as the name of a band or as the last name of John Zox, Andrew Zox or Daniel Zox. Rather, consumers recognize its ZOX mark as an indication of the quality products that Petitioner produces.

PRIORITY/LIKELIHOOD OF CONFUSION

14. Both Petitioner and Registrants’ goods overlap. For example, the ‘843

Registration includes “eyeglasses” in Class 009 and Petitioner’s pending U.S. Application Serial no. 88/659,217 for the mark ZOX has been refused registration in light of the ‘843 Registration with the Trademark Office issuing a 2(d) refusal.

15. On April 25, 2013, Petitioner’s predecessor was assigned “all right, title and interest in the United States in and to” United States trademark registration No. 2,992,108 “together with the goodwill and business symbolized by said trademark.” (See Exhibit D.) Registration No. 2,992,108 has a priority of use date that is earlier than any priority date Registrants can rely upon in connection with clothing and accessory items.

16. On September 2, 2011, a Section 8 declaration of use was filed in connection with Registration No. 2,992,108. On September 7, 2011, Section 8 declaration of use filed in connection with Registration No. 2,992,108 was accepted by the U.S. Patent and Trademark Board.

17. Petitioner’s predecessor, House of Kuipers LLC, was assigned the entire interest and the goodwill associated with Registration No. 2,992,108 on January 29, 2014. (See Exhibit D.)

18. Registrants swore under oath that their first use in commerce for Registration No. ‘843 was no earlier than December 01, 2006.

19. Petitioner discontinued use of the design portion of Registration No. 2,992,108 but has continuously used the “ZOX” portion of the mark in connection with a variety of items identical to or closely related to certain goods listed in Registration No. 2,992,108.

20. Registrants’ mark so resembles Petitioner’s mark, as to be likely to cause confusion, or cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C §1052(d), when used on or in connection with Registrants’ Goods & Services.

Specifically, “eyeglasses” are in such close proximity to goods that Petitioner has priority claims to and goods that Petitioner currently produces and sells such that Registrants’ Registration No. ‘843 in so far as it relates to “eyeglasses” should be canceled.

NON-USE

21. On information and belief, Registrants either no longer use or have never used the ZOX marks in interstate commerce in connection with certain categories of goods and services claimed in the ‘843 Registration as required by Section 45 of the Trademark Act, 15 U.S.C. § 1127.

22. On information and belief, Registrants no longer or have never used the ZOX mark in connection with the following goods in Class 009:

- a. prerecorded video cassette tapes;
- b. audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring...animated cartoons...educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology;
- c. film and video equipment, namely still, motion picture film and video cameras,
- d. videocassette recorders;
- e. videocassette players;
- f. digital video or audio players;
- g. film and video editing machines;
- h. computer software for film and video editing; and
- i. eyeglasses.

23. On information and belief, Registrants do not intend to resume use or begin use of the ZOX mark with respect to:

- a. Prerecorded video cassette tapes;
- b. audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring...animated cartoons...educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology;

- c. film and video equipment, namely still, motion picture film and video cameras;
- d. videocassette recorders;
- e. videocassette players;
- f. digital video or audio players;
- g. film and video editing machines;
- h. computer software for film and video editing; and
- i. eyeglasses.

24. Therefore, Registrants' Registration No. 5,268,843 for ZOX should be cancelled in whole or part in class 009.

25. On information and belief, Registrants no longer or have never used the ZOX mark in interstate commerce in connection with the following goods in Class 041:

- a. Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video and interactive media in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting;
- b. publication of books and screenplays;
- c. providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training;
- d. production of audio and audiovisual recordings;
- e. Entertainment in the nature of live radio personality performances; and
- f. Entertainment services, namely, providing webcasts and video podcasts in the field of personality performances.

26. On information and belief, Registrants do not intend to resume use or begin use of the ZOX mark with respect to:

- a. Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video and interactive media in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting;
- b. publication of books and screenplays;
- c. providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training;
- d. production of audio and audiovisual recordings;
- e. entertainment in the nature of live radio personality performances; and
- f. entertainment services, namely, providing webcasts and video podcasts in the field of personality performances.

27. Therefore, Registrants' Registration No. 5,268,843 for ZOX should be cancelled in class 041.

FRAUD ON THE U.S. PATENT AND TRADEMARK OFFICE

28. On March 28, 2016 Registrants committed their first act of fraud on the U.S Patent & Trademark office in connection with the '843 Registration when they filed with the U.S. Patent & Trademark Office Application Serial No. 86/954,997 (the "'997 Application") to register the mark ZOX on the Principal Register in classes 009, 025, and 041.

29. For the Class 025 specimen, Registrants submitted numerous pages (Pages 4-38) of images showing items that can be ordered from the online custom print store "Zazzle" displaying the Zox band name and/or artwork. On information and belief, Registrants were not presently selling and had not sold *all* of the goods listed in Class 025. Attached as Exhibit E are examples of how a specimen can be made using Zazzle. (See Exhibit E.)

30. The '997 Application included a sworn declaration signed under penalty of perjury by Edward J. Baba, attorney of record for Registrants, that the mark ZOX was “first used in commerce at least as early as January 01, 2006, and is now in use in such commerce” in connection with *all* of the goods and services recited in the application as filed including, “Entertainment and education services; production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual/augmented reality videos, concert video production; live performance of said works; theatrical or musical works performed in a live or pre-recorded setting; providing a website featuring entertainment/education information; publication of books and screenplays; production of audio and audiovisual recordings” in class 041 and “Prerecorded video cassette tapes, audio and video (both DVD and CD) discs and digital files, motion picture and documentary film, and other recorded media, all featuring live action, computer generated, animated and/or musical entertainment and educational subject matter.” in Class 009. Mr. Baba further swore on behalf of Registrants:

- a. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

21. On March 28, 2016 Registrants committed their second act of fraud on the U.S. Patent & Trademark office in connection with the '843 Registration when Registrants filed a response to an office action dated July 12, 2016 to the U.S. Patent & Trademark Office for Application Serial No. 86954997 to register the mark ZOX on the Principal Register, which included a sworn affidavit signed by John Zox stating that "The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement." 37 C.F.R. §2.41(a)(2); TMEP §1212.05(d); *see* 37 C.F.R. §2.193(e)(1).

22. On January 11, 2017 Registrants committed their third act of fraud on the U.S. Patent & Trademark Office in connection with their '843 Registration, when Registrants filed a response to an office action dated July 12, 2016 to the U.S. Patent & Trademark Office for Application Serial No. 86954997 to register the mark ZOX on the Principal Register, which included a sworn declaration signed under penalty of perjury by Edward J. Baba, attorney of record for Registrants, that the mark ZOX was "first used in commerce at least as early as January 01, 2006, and is now in use in such commerce" in connection with "Prerecorded video cassette tapes, audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring live action, computer generated, animated cartoons and musical entertainment and educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology; film and video equipment, namely still, motion picture film and video cameras, videocassette recorders, videocassette players, digital video or audio players, and film and video editing machines; computer software for film and video editing; eyeglasses." in Class 009 and "Entertainment and education services; production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual/augmented reality videos, concert video production; live performance of said works; theatrical or musical works performed in a live or pre-recorded setting; providing a website featuring entertainment/education information; publication of books and screenplays; production of audio and audiovisual recordings" in Class 041. Mr. Baba further swore on behalf of Registrants:

- a. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

23. On April 25, 2017 Registrants committed their fourth act of fraud on the U.S. Patent & Trademark Office in connection with the '843 Registration, when Registrants filed a request for reconsideration to the U.S. Patent & Trademark Office for Application Serial No. 86954997 to register the mark ZOX on the Principal Register, which included a sworn declaration signed under penalty of perjury by Edward J. Baba, attorney of record for Registrants, that the mark ZOX was "first used in commerce at least as early as January 01, 2006, and is now in use in such commerce" in connection with "Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video and interactive media in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting; publication of books and screenplays; providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training; production of audio and audiovisual recordings; Entertainment in the

nature of live radio personality performances; Entertainment services, namely, providing webcasts and video podcasts in the field of personality performances.” in Class 041.

24. Petitioner has reason to believe that Registrants did not use the ZOX mark in connection with a portion of the goods and services listed in the ‘843 Registration ever or at least not until August 2010. Additionally, Petitioner has reason to believe that use of the mark in connection with any of the goods and services listed in the ‘843 Registration by Registrants ceased.

25. By Registrant John Zox’s own sworn admissions, Registrants have not used the ZOX mark in connection with live musical performances since at least as early as 2014.

26. On information and belief, Registrants do not have a good faith intent to continue to use the mark in connection with live musical performances.

27. On information and belief, Registrants knew the above mentioned statements were false at the time they were made.

28. On information and belief, Registrants continuously and knowingly made such false statements in order to induce the U.S. Patent & Trademark Office to issue a certificate of registration.

29. Insofar as the aforementioned false statements were knowingly made, such statements constitute fraud on the U.S. Patent & Trademark Office.

30. By Registrants own sworn admissions, Registrants have not used the ZOX mark in connection with live musical performances since at least as early as 2014.

31. On information and belief, Registrants were aware of Petitioner's use in commerce of ZOX in connection with related goods and services at the time it filed the application for the '843 Registration.

32. For the foregoing reasons, the U.S. Patent & Trademark Office would not have issued Reg. No. 5,268,843 for ZOX—or maintained such registrations—but for the knowingly fraudulent representations made by Registrants to the U.S. Patent and Trademark Office.

33. Registrants' multiple acts of fraud on the U.S. Patent & Trademark Office warrant cancellation of Registrants' Reg. No. 5,268,843 for ZOX.

34. Registrants' non-use of their marks in commerce that Congress may regulate is sufficient grounds—alone—to cancel Registrants' Reg. No. 5,268,843 for ZOX.

35. WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that Registration No. 5,268,843 be cancelled in full or in part.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: November 23, 2020

/Katherine M. Bond/

Daniel M. Cislo, Esq.
Katherine M. Bond, Esq.
David B. Sandelands, Esq.
CISLO & THOMAS LLP
12100 Wilshire Blvd., Suite 1700

Los Angeles, CA 90025

Tel: (310) 451-0647
Fax: (310) 394-4477

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing: **ANSWER, AFFIRMATIVE DEFENSES and COUNTERCLAIM** have been served on Opposer and Registrants' counsel on Nov. 23, 2020 via email:

Counsel for Applicant:
DARREN GELIEBTER
deliebter@lgtrademarklaw.com

and

Counsel for Registration No. 5268843:
Jonathan M. Gelchinsky, Esq.
Michael C. Hernandez, Esq.
jgelchinsky@pierceatwood.com
mhernandez@ pierceatwood.com

Dated: November 23, 2020

/Katherine M. Bond/
Katherine M. Bond, Esq.

EXHIBIT A

AN IN-DEPTH, BEHIND THE SCENES LOOK OF EVERYTHING WE DO HERE IN LOS ANGELES.

CHOOSE YOUR PLAN

MONTHLY

\$5

Exclusive **SUPERDROPS**
Daily **behind the scenes** content
Invite-only **video hangouts**
Exclusive **art classes**
Professional **art critiques**
ZOX Spotlight voting rights
Early premieres
Exclusive 1 year **F&F**

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YEARLY

\$50
SAVE \$10

Exclusive **SUPERDROPS**
Daily **behind the scenes** content
Invite-only **video hangouts**
Exclusive **art classes**
Professional **art critiques**
ZOX Spotlight voting rights
Early premieres
Exclusive 1 year **F&F**

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zox.la/#

EVERY ORDER PROVIDES A YEAR OF CLEAN WATER TO SOMEONE IN NEED → [LEARN MORE](#)

Limited edition, collectible **works of art** for your wrist.

SHOP

BRAND

CONTACT

ZOX

LOYALTY

ACCESSORIES

WRISTBANDS
MYSTERY PACKS
ZOXBOX12
FIRST RESPONDERS
KID'S SIZES
PACKS
PEARLS
RINGS
BLACK HISTORY
MONTH PACK

SUBSCRIBE

MYSTERY CLUB
PEARL CLUB

CLOTHING

IMPERIAL HOODIE V2
T-SHIRTS
STRINGS

BACKPACKS

IMPERIAL BACKPACK
DOGGO BAG
CAMERA BAG
DAILY
CAPSULES
BACKPACK STRAPS
AND SVEN KIDS
BACKPACK

EXTRAS

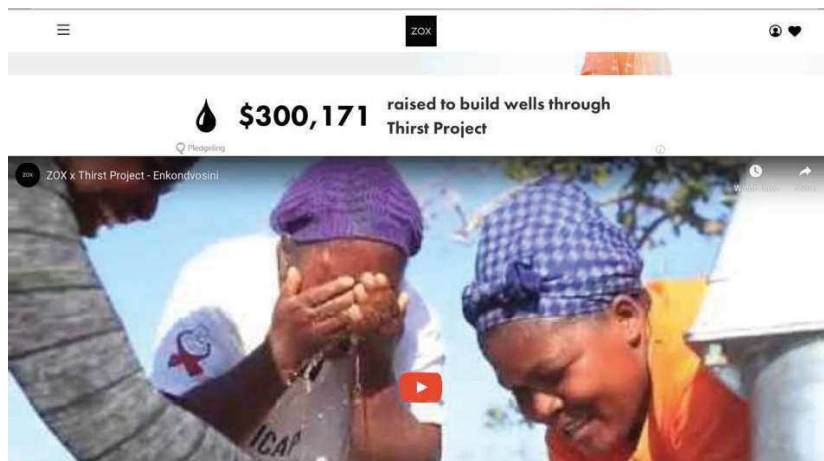
WALL PRINTS
COLORING BOOKS
KEYCHAINS
GIFT CARDS
BINDERS

We're in this together

\$2 U.S. Shipping and Free Phone Backgrounds

Check It Out

https://zox.la/#



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3.18K subscribers

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March Pearl: Time Is Precious

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4:40

Mythos Pack

247 views • 1 month ago



17:43

ZOX STORY 2020

1.2K views • 1 month ago



5:17

Interviewing kids about ZOX.

231 views • 1 month ago



1:27



1:35:10



0:40



3:07

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Zox Straps - Sloth Collabo!
796 views • 7 years ago



First time our store has crashed from traffic at Zox...
1.5K views • 7 years ago



Choosing the winners for all 16 Euro Zox Straps!
823 views • 7 years ago



Shooting our new homepage picture for Zox Straps!
934 views • 7 years ago



ZOXBBOX Giveaway
608 views • 7 years ago



ZOXBBOX Unboxing
2.1K views • 7 years ago



Preview of the ZOXBBOX!
742 views • 7 years ago



Kirby's so excited!
292 views • 7 years ago



5,000 Likes!
461 views • 8 years ago



Our store goes live!
1.4K views • 8 years ago



Kirby's too tired.
642 views • 8 years ago



F&F behind the scenes
1K views • 8 years ago

EXHIBIT B



ZOX OLDIES!!! OG Straps Buy/Sell/Trade/Discuss/MORE!

Group · 135 members

+ Join

This is a group for fans of the Zox OLDIES!!!! We
wanna see those OG straps here so show off you...
7 posts a day



April 25 at 6:02 AM

I said i would never do this but i need the money.
So its for sale. Its \$45 shipped. International to pay shipping cost. Will
ship to U.S. mule.
F&F Single \$45 shipped



\$45 · Baltimore, MD

SOLD

Message

Like

Comment



The Best Zox Reselling Group

2,449 members

[+ Join Group](#)



ZOX Blackstar "STOP" #002 Golden Ticket Redemption Card Stop This!
Brand New

\$199.00

or Best Offer
+\$5.00 shipping
[Watch](#)



ZOX Black Star Card Collect and Redeem 5 For The Ultimate Surprise - TICKET
New (Other)

\$200.00

Buy It Now
Free Shipping
[Watch](#)

FAST 'N FREE
Guaranteed by **Mon, May. 4**



Medium ZOX BLACK STAR Strap WINNER WINNER Wristband with Card Reversible
New (Other)

\$200.00

Buy It Now
Free Shipping
[Watch](#)



ZOX New Unworn Season 1 Sherwood Series & Golden Arrow Moonstone Set of 7 Straps
Brand New

\$199.00

Buy It Now
Free Shipping
[Watch](#)



ZOX Strap Pearl Otterly Grateful Thanksgiving Limited 1000 Matching Pin Set of 2
Brand New

\$175.00

Buy It Now
\$10.00 shipping



Zox Shirt

Condition: --

Price: **US \$70.00**

[Buy It Now](#)

[Add to cart](#)

Best Offer:

[Make Offer](#)

[Add to Watchlist](#)

Ships from United States

Shipping: **\$4.90** Standard Shipping | [See details](#)

Item location: Morris, Illinois, United States

Ships to: United States and many other countries | [See details](#)

Delivery: Estimated on or before **Thu, May, 07** to 98006

Payments:

PayPal CREDIT

Special financing available. [Apply Now](#) | [See terms](#)

Earn up to 5x points when you use your eBay Mastercard. [Learn more](#)

Groups

[See All](#)



Zoxlist

Group · 8.9K members

[✓ Joined](#)

For anyone looking to trade/buy ZOX items! The rules are in a document and must be read & fully...
Member since August 2019



N [redacted] Zoxlist

June 20, 2018 · 🌐

...

Ladies and Gentlemen, I present an auction for the strap that many of you have been searching for: Eiffel #99.

The auction will start at \$150, and will only be in dollar increments.

The auction will go until Sunday, June 24th at 5pm EST.

Buyer will pay for shipping (\$3 if domestic, \$10 if international), if international buyer, I will likely need help figuring out how to ship the strap out.

As is custom with straps like this one, there will be a no sniping rule in effect, ext... [See More](#)



\$150 · Byron Center, MI

(SOLD) Eiffel



Karla Glidden, Jennifer Leslie Borow and 7 others

9 Comments



Like



Comment



N [redacted] BID HERE:

Like · Reply · 1y



[redacted] 150 🎉 🙌 🙌 🙌

Like · Reply · 1y



[redacted] 151 🙌

Like · Reply · 1y



[Redacted] 390  2

Like · Reply · 1y



[Redacted]

Like · Reply · 1y



[Redacted] 425  1

Like · Reply · 1y



[Redacted] 450

Like · Reply · 1y



[Redacted] 475  1

Like · Reply · 1y



[Redacted] 476  2

Like · Reply · 1y



[Redacted] 500   3

Like · Reply · 1y



[Redacted] Sold to [Redacted]  3

Like · Reply · 1y

 [Redacted] 390  2

Like · Reply · 1y

 [Redacted]

Like · Reply · 1y

 [Redacted] 425  1

Like · Reply · 1y

 [Redacted] 450

Like · Reply · 1y

 [Redacted] 475  1



Like · Reply · 1y

 [Redacted] 476  2

Like · Reply · 1y


 [Redacted] 500   3


Like · Reply · 1y

 [Redacted] Sold to [Redacted]  3

Like · Reply · 1y







EXHIBIT C



ZOX 

4,320 posts · 174k followers · 6 following










ZOX
 Changing the world with kind words you can wear and share.™ We ship Worldwide 🌍
 Proud partners with @thirstproject
 Download our New App: ZOX LA
 ZOX.LA/IG
 Followed by [styleline.us](#), [brittanydreague](#), [andsvenshop](#) + 40 more

POSTS

IGTV

TAGGED



ZOX VIP

Group

17,243 members





ZOX KIND SOULS

Group

1,018 members





Zox 

Page · 282K like this

Carrie Ritchey and 45 other friends like this

Your new favorite wristband.™





Silvers Only Zox Trading & Selling

Group

The sole purpose of this group is Silver...
9 posts a week

[+ Join](#)



Zox Europe & other brands as zox keep fucking up!

Group

A group for those that like Zox but don't...
7 posts a day

[+ Join](#)



The ZOX Classifieds

Group

Buy/Sell/Trade your ZOX products...
40 posts a day

[+ Join](#)



Zox Rocks

Group

We're all bored and stuck at home right...
10 posts a day

[+ Join](#)



ZOX Gamers

Group

Just a place for the fam to hang/talk abt...
20 posts a day

[+ Join](#)



Zox Reading Club

Group

Zox Reading Club was created for all Zo...
4 posts a week

[+ Join](#)



Zox PenPals

Group

A chance to make new zox friends from...
2 posts a day

[+ Join](#)



Zox Shenanigans Downunder

Group

Welcome Aussie Famil...
9 posts a day

[+ Join](#)



Zox to the UK Angel Group

Group

10 posts a day

[+ Join](#)



The Zox Zone (For Kiwi's and Aussie's)

Group

[+ Join](#)

Ad C
Face



ZOX GOLD

Group

For the Zox family members lucky enou...
4 posts a year

[+ Join](#)



ZOX Tiny/Baby Wrist Club

Group

We are the ones in the ZOX community ...

[+ Join](#)



Zox String Segment Trading

Group

This group is for Zoxers to trade leftove...

[+ Join](#)



UK wristbands - chat, swap, sell

Group

A place for UK wristband collectors/lov...
10 posts a week

[+ Join](#)



Zox Straps PH Group

Group

Official group of Zox in the Philippines...
2 posts a week

[+ Join](#)



Zoë #98

Group

4 posts a week

[+ Join](#)



Spoonies of Zox

Group

This is a group for anyone in the zoxfam...

[+ Join](#)



ZOX VIP Book Club

Group

This group was created to allow and en...

[+ Join](#)



ZOX Stories

Group

[+ Join](#)

EXHIBIT D

TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Zox International, Inc.		04/25/2013	CORPORATION: NEBRASKA
RECEIVING PARTY DATA			
Name:	Zox Straps, LLC		
Street Address:	7119 E. Shea Blvd., #109-143		
City:	Scottsdale		
State/Country:	ARIZONA		
Postal Code:	85254		
Entity Type:	LIMITED LIABILITY COMPANY: ARIZONA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2992108	ZOX	
CORRESPONDENCE DATA			
Fax Number:	4807188336		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	480.264.6075		
Email:	adam@patentproblempro.com		
Correspondent Name:	Adam R. Stephenson		
Address Line 1:	401 W. Baseline Rd., Ste 207		
Address Line 4:	Tempe, ARIZONA 85283		
ATTORNEY DOCKET NUMBER:	ZOX001		
NAME OF SUBMITTER:	Adam R. Stephenson		
Signature:	/Adam Stephenson/		
Date:	05/03/2013		
Total Attachments: 2 source=ExecutedAssignment#page1.tif source=ExecutedAssignment#page2.tif			

OP \$40.00 2992108

**EXHIBIT A: FORM OF ASSIGNMENT OF MARK
TRADEMARK ASSIGNMENT**

WHEREAS, Zox International, Inc. a Nebraska Corporation located at 1811 West Second Street, Suite 111, Grand Island, Nebraska, 68803, is the owner of the following trademark for which a registration has been granted by the United States Patent and Trademark Office:

<u>Trademark</u>	<u>Registration No.</u>	<u>Date of Registration</u>
ZOX	2,992,108	September 6, 2005

And WHEREAS, Zox Straps, LLC, an Arizona Limited Liability Company located at 7119 E. Shea Blvd., #109-143, Scottsdale, AZ 85254, desires to acquire title to the above trademark registration together with the goodwill of the business symbolized by said trademark,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Zox International, Inc., hereby assigns to Zox Straps, LLC, all right, title, and interest in the United States in and to the above trademark and the registration therefor, together with the goodwill of the business symbolized by the above trademark and the corresponding registration therefor.

Signed this 25th day of April, 2013, at Grand Island, Ne
(City and State)

By: Douglas D. Hahn
Douglas D. Hahn

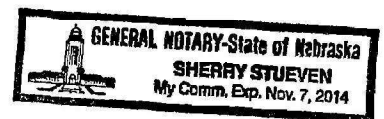
Title: Pres/Zox International, Inc

State of NE

County of HALL

Douglas acknowledged the foregoing instrument before me this 25th
day of April, 2013.

Sherry Stueven
Notary Public





My Commission Expires:

11-7-14

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Zox Straps, LLC		01/29/2014	LIMITED LIABILITY COMPANY: ARIZONA
RECEIVING PARTY DATA			
Name:	House of Kuipers, LLC		
Street Address:	578 Washington Blvd., Ste. 661		
City:	Marina del Rey		
State/Country:	CALIFORNIA		
Postal Code:	90292		
Entity Type:	LIMITED LIABILITY COMPANY: CALIFORNIA		
PROPERTY NUMBERS Total: 3			
Property Type	Number	Word Mark	
Registration Number:	4412948	ZOX STRAPS	
Registration Number:	2992108	ZOX	
Registration Number:	4465691	ZOX	
CORRESPONDENCE DATA			
Fax Number:	4807188336		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	480-264-6075		
Email:	adam@patentproblempro.com		
Correspondent Name:	Adam R. Stephenson		
Address Line 1:	40 W. Baseline Rd., Ste. 101		
Address Line 4:	Tempe, ARIZONA 85283		
ATTORNEY DOCKET NUMBER:	ZOXSTRAPS001		
NAME OF SUBMITTER:	Adam R. Stephenson		

OP \$90.00 4412948

Signature:	/Adam R. Stephenson/
Date:	01/31/2014
Total Attachments: 1 source=Trademark-Assignment-US-to-House-of-Kuipers#page1.tif	

TRADEMARK ASSIGNMENT

WHEREAS, Zox Straps, LLC, an Arizona limited liability company located at 7119 E. Shea Blvd. #109-143, Scottsdale, AZ 85254, has adopted, used, is using, and is the owner of the following trademarks for which registrations have been granted by the United States Patent and Trademark Office:

<u>Trademark</u>	<u>Registration No.</u>	<u>Date of Registration</u>
ZOX STRAPS	4,412,948	October 8, 2013
ZOX	2,992,108	September 6, 2005
ZOX	4,465,691	January 14, 2014

And WHEREAS, House of Kuipers, LLC, a California limited liability company located at 578 Washington Blvd., Ste. 661, Marina del Rey, CA 90292, desires to acquire title to the above trademark registrations together with the goodwill of the business symbolized by said trademarks,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Zox Straps, LLC hereby assigns to House of Kuipers, LLC, all right, title, and interest in the United States in and to the above trademarks and the registrations therefor, together with the goodwill of the business symbolized by the above trademarks and the corresponding registrations therefor.

Signed this 29th day of January, 2014, at Los Angeles, CA
(City and State)

By: 
Jason Kuipers

Title: Owner

EXHIBIT E

JOHN ZOX SPECIMEN: CLASS 16

zox classic round sticker

★★★★★ 4.7 (4538)

\$4.95
per sheet of 20

Qty: 1 sheet of 20

Add to Cart

15% off with code COZYUPSALE17

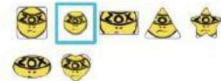


Designed for you

Customize



Shape
Classic Round Sticker



Details



Size
Small, 1½ inch (sheet of 20)

More (2)



Finish

Glossy

XYZ SPECIMEN: CLASS 16

xyz classic round sticker

★★★★★ 4.8 (14412)

\$5.95
per sheet of 20

Qty: 1

Add to Cart

20% off with code BESTZAGIFTS



Share this:    



Create your own design
Designed by you

Edit Design

Sell It



Shape
Classic Round Sticker



Details



Size
Small, 1½ inch (sheet of 20)

More (2)



Finish

Glossy



Get your order Nov 20 by 9pm with
Shipping options

zip

JOHN ZOX SPECIMEN: CLASS 20

Custom 3/4" Tyvek® Wristbands

Production: 1 Business Day

Style shown: Neon Yellow



Edit Design

500 pack count

100 pack count

Neon Colors



Neon Blue

0



Neon Green

0



Neon Orange

0



Neon Pink

0



Neon Red

0



Neon Yellow

0



Price: 1-19 \$15.90
20+ \$13.90

In Stock

Shipping: Will ship by Thursday, Jan 12th

FREE SHIPPING on Orders over \$100! (Contiguous US orders only)

Packs of 500: 0
Packs of 100: 0
Tyvek Setup: \$45.00
Total Price: \$45.00

Add to cart

XYZ SPECIMEN: CLASS 20

Custom 3/4" Tyvek® Wristbands

Production: 1 Business Day

No Imprint Fees! 100 Wristband Minimum. 1 Day Production. Black imprint.

Style shown:



Edit Design

★★★★★ 78 reviews

Neon Colors:



Neon Green

0



Neon Red

0



Neon Yellow

100



Neon Blue

0



Neon Orange

0



Neon Pink

0



Packs of Price

100-199 \$0.29

200-299 \$0.22

300-399 \$0.17

400-499 \$0.15

500-999 \$0.13

1000-1499 \$0.08

1500-1999 \$0.06

2000-4999 \$0.05

5000-9999 \$0.04

JOHN ZOX SPECIMEN: CLASS 22

ZOX Gift Bag

★★★★★ 4.9 (113)



\$10.65
per gift bag

Qty: 1 gift bag

Add to Cart

15% off with code GOZUPSALE17



Designed for you

Customize



Size
Medium

More (4) ▶



Finish
Matte

More (2) ▶



XYZ SPECIMEN: CLASS 22

XYZ Gift Bag

★★★★★ 4.9 (592)



Share this:

\$9.50
per gift bag

Qty: 1

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Size
Medium

More (4) ▶



Finish
Matte

More (2) ▶



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[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 22



Personalized Double Braid Nylon Dock Lines
3/8" x 10-ft

Color: Gold
Custom Message: ZOX
Font Style: Block

Quantity

—

1

+

Item Price	Line Price
\$ 15.99	\$ 15.99

UPDATE

REMOVE

Your Shopping Cart

[Home](#) / Cart: 1 item - \$ 15.99

Checkout

Special instructions...

Subtotal: \$ 15.99

PROCEED TO CHECKOUT

Checkout with **PayPal**

XYZ SPECIMEN: CLASS 22



Personalized Double Braid Nylon Dock Lines
3/8" x 10-ft

Color: Royal
Custom Message: xyz
Font Style: Block

Quantity

—

1

+

Item Price	Line Price
\$ 18.49	\$ 18.49

UPDATE

REMOVE

Your Shopping Cart

[Home](#) / Cart: 1 item - \$ 18.49

Checkout

Special instructions...

Subtotal: \$ 18.49

PROCEED TO CHECKOUT

shop**Pay**


PayPal

JOHN ZOX SPECIMEN: CLASS 22

CINCH STRAPS → 1.5 Inch Cinch Straps → 5314-Y3

Help

Total: \$0.00 Cart



PRODUCT MODEL: 5314-Y3
DESCRIPTION: 1.5 Inch Cinch-Strap Endless Loop Tie Down, CS15-1M Zinc Diecast Cam Buckle, Endless Loop (No Hooks), Total Strap Length 3 Ft (36 Inches), CW15-Y4PE Yellow Polyester Tie-down Webbing, Assembled in the USA.
[IMPRINT PREVIEW](#)

ZOX

Prices:
Qty 1-9 = **\$8.09** | Qty 10-49 = \$7.48 | Qty 50+ = \$6.93


XYZ SPECIMEN: CLASS 22

Help

Total: \$0.00 Cart

1M Cinch Cam Buckle

Angle Cut



TAG

4M Polyester Webbing

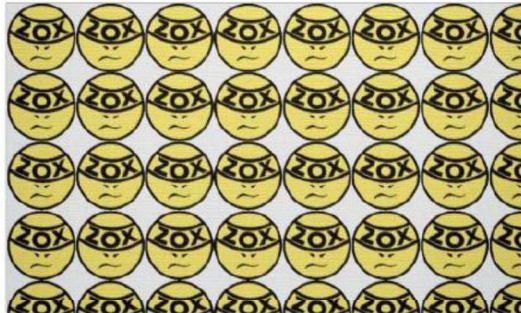
PRODUCT MODEL: 5314-Y3
DESCRIPTION: 1.5 Inch Cinch-Strap Endless Loop Tie Down, CS15-1M Zinc Diecast Cam Buckle, Endless Loop (No Hooks), Total Strap Length 3 Ft (36 Inches), CW15-Y4PE 1.5 Inch 4M Yellow Polyester Tie-Down Webbing, Made In The USA.
[IMPRINT PREVIEW](#)

XYZ

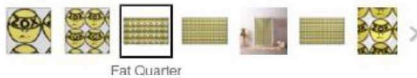
Prices:
Qty 1-9 = **\$8.09** | Qty 10-49 = \$7.48 | Qty 50+ = \$6.93

JOHN ZOX SPECIMEN: CLASS 24

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zox polyester fabric

\$40.50 per yard ★★★★★ 4.8 (159)



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Fabric: [fabric guide](#) #

Polyester Poplin (60" width)

Size: [size chart](#) ↗

Yard

Quantity:

1 yard

Customize it!

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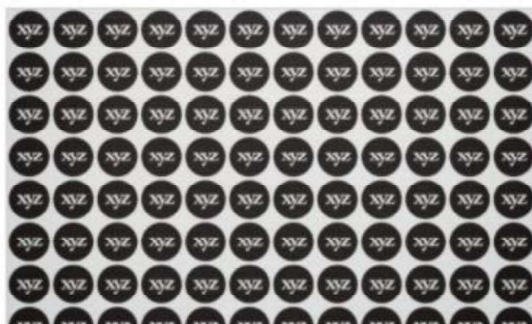
Like

Add to

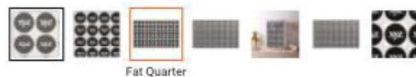
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15% Off Sitewide | Use Code:
COZYUPSALE17 / Ends

XYZ SPECIMEN: CLASS 24

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xyz polyester fabric

> \$40.55 per yard ★★★★★ 4.8 (1129)
20% Off with code **BESTZAZGIFTS**

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Fabric: [fabric guide](#) #

Polyester Weave (58" width)

Size: [Size Chart](#) ↗

Yard

Quantity:

1 yard

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JOHN ZOX SPECIMEN: CLASS 24

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Switch

zox linen fabric

\$72.10 per yard ★★★★★ 4.8 (129)



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Fabric:

[fabric guide](#) #

Ivory Linen (54" width)

Size:

[size chart](#) ↗

Yard

Quantity:

1 yard

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Fat Quarter

xyz linen fabric

> \$66.05 per yard ★★★★★ 4.8 (129)

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Fabric:

[fabric guide](#) #

Ivory Linen (54" width)

Size:

[Size Chart](#) ↗

Yard

Quantity:

1 yard

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JOHN ZOX SPECIMEN: CLASS 24

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zox cotton fabric

\$29.10 per yard ★★★★★ 4.8 (152)



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Fabric: [fabric guide](#)

Combed Cotton (56" width)

Size: [size chart](#)

Yard

Quantity:

1 yard

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Fat Quarter

view larger

xyz cotton fabric

> \$26.65 per yard ★★★★★ 4.8 (1173)

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View their Store [Ask this Designer](#)

Fabric: [fabric guide](#)

Combed Cotton (56" width)

Size: [Size Chart](#)

Yard

Quantity:

1 yard

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BESTZAZGIFTS *details

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Stretch Pants

\$75.95

per pair of leggings

Qty: 1

Add to Cart

40% off with code BLKFRIDAYZAZ
ends today



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Size

[Size Chart](#)

Select a size



Estimated delivery Nov 30 to Dec 3 via Express.
[Shipping options](#)

XYZ SPECIMEN: CLASS 25

XYZ Stretch Pants

★★★★★ 4.8 (805)

\$75.95

per pair of leggings

Qty: 1

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Size

[Size Chart](#)

Select a size



Arrives by Nov 27 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Socks! Socks

\$26.07
each

Qty: 1

Add to Cart

20% off with code BLKFRIDAYAZ
ends today



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Size

Small (US Men 5-7 / US Women 5-9)



Estimated delivery Nov 29 to Nov 30 via Express.
[Shipping options](#)

XYZ SPECIMEN: CLASS 25

YZZ Socks! Socks

★★★★★ 4.7 (139)

\$26.07
each

Qty: 1

Add to Cart

20% off with code BESTZAZGIFTS



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Size

Large (US Men 8-13 / US Wom...



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[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Jacket

\$67.80

per shirt

Qty: 1

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Size

[Size Chart](#)

Select a size



Style

American Apparel Fleece Zip Jogger



[See more](#)

Color & Print Process

White

[Learn more](#)

XYZ SPECIMEN: CLASS 25

xyz Jacket

★★★★★ 5.0 (2)

\$42.55

per shirt

Qty: 1

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by Colfax_Country_Club

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Size

Select a size



Style

Women's Embroidered American Apparel Jacket



[More \(17\)](#)

Color

White



[Details](#)



Arrives by Dec 7 with Express

[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

zox trucker hat

\$14.95
per hat

Qty: 1

Add to Cart

15% off with code WEEKDAYSHOPZ



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Color
White and Black



Estimated delivery Nov 19 to Nov 20 via Express.
[Shipping options](#)

XYZ SPECIMEN: CLASS 25

XYZ Trucker Hat

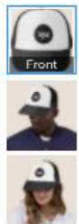
★★★★★ 4.8 (3351)

\$14.95
per hat

Qty: 1

Add to Cart

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Color
White and Black



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zip

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

zox slip-on shoes

★★★★★ 4.8 (20)

\$90.90
per pair of slippers

Qty: 1 pair of slip...

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize



Size

Select a size



Mirror

☒ Mirror

Details

XYZ SPECIMEN: CLASS 25

xyz slip-on shoes

★★★★★ 4.8 (71)

\$90.90
per pair of slippers

Qty: 1

Add to Cart

20% off with code BESTZAGIFTS



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Edit Design



Size

Select a size

Size Chart



Mirror

☒ Mirror Left To Right

Details

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Athletic Headbands

Zox Headband Tie Headband

★★★★★ 5.0 (2)



Estimated delivery Feb 9 to Feb 13 via Express. [Shipping options](#)

\$16.95
each

Qty:

1

Headband

Add to Cart

15% off with code COZYUPSALE17

Designed for you



Customize



Length

35" length

[More \(2\)](#)

XYZ SPECIMEN: CLASS 26

XYZ Headband Tie Headband

★★★★★ 4.8 (23)



Share this:



\$16.95
each

Qty:

1

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Sell It



Length

35" length

[More \(2\)](#)



Arrives by Dec 1 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

[Accessories](#) > [Belt Buckles](#) > [Oval](#)

zox belt buckle

★★★★★ 4.8 (28)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$39.10
per belt buckle

Qty: 1 belt buckle ▾

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize



Style
Oval



[Details](#)

XYZ SPECIMEN: CLASS 26

xyz belt buckle

★★★★★ 4.8 (64)



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\$39.10
per belt buckle

Qty: 1 ▾

Sold Out

20% off with code BESTZAZGIFTS

Sorry, this **Size** is temporarily sold out. Please select another Style. We'll let you know when it's available!



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by XYZ_BAND_OFFICIAL

Edit Design



Style
Oval



[Details](#)

JOHN ZOX SPECIMEN: CLASS 26

Zox Hair/Arm Band Tie Ribbon Hair Tie

★★★★★ 4.5 (44)

\$2.55
per hair tie

Qty: 1 hair tie

Add to Cart

15% off with code COZYUPSALE17

Designed for you

Customize



XYZ SPECIMEN: CLASS 26

XYZ Hair/Arm Band Tie Ribbon Hair Tie

★★★★★ 4.5 (200)

\$2.55
per hair tie

Qty: 1

Add to Cart

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[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

[Accessories](#) > [Jewelry](#) > [Charms](#)

zox zipper pull charm

★★★★★ 4.7 (91)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$16.60
per item

Qty: 1 item

[Add to Cart](#)

15% off with code COZYUPSALE17



Designed for you

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Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)

XYZ SPECIMEN: CLASS 26

[Accessories](#) > [Jewelry](#) > [Charms](#)

xyz zipper pull charm

★★★★★ 4.8 (190)



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\$16.60
per item

Qty: 1

[Add to Cart](#)

20% off with code BESTZAZGIFTS



Designed for you

[Edit Design](#)



Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)

Arrives by Nov 25 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

zox zipper pull charm

★★★★★ 4.7 (91)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$16.60
per item

Qty: 1 item

[Add to Cart](#)

15% off with code COZYUPSALE17



Designed for you

[Customize](#)



Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)

XYZ SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

xyz zipper pull charm

★★★★★ 4.8 (190)



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\$16.60
per item

Qty: 1

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Designed for you

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Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)

Arrives by Nov 25 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 28

zox cornhole game cornhole set

★★★★★ 5.0 (4)

\$238.00

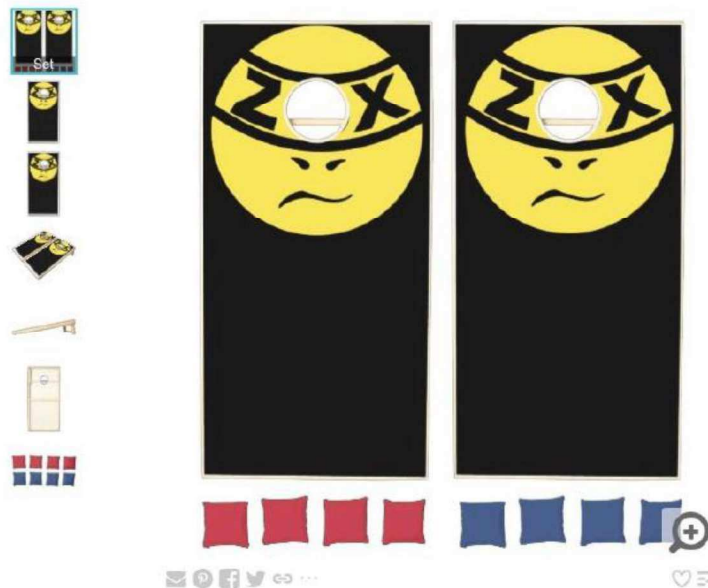
per set

Qty:

1 Cornhole ...

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Board Color
Natural Wood

Details +

Bag Colors: Board 1
Red



More (10) +

Bag Colors: Board 2
Royal Blue



More (10) +

XYZ SPECIMEN: CLASS 28

xyz cornhole game cornhole set

★★★★★ 4.8 (87)

\$200.00

per set

Qty:

1

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Board Color
Natural Wood

Details +

Bag Colors: Board 1
Red



More (10) +

Bag Colors: Board 2
Red



More (10) +



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JOHN ZOX SPECIMEN: CLASS 28

zox basketball hoop game

★★★★★ 4.3 (5)



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\$22.30
per mini basketball hoop

Qty: 1 mini bask...

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XYZ SPECIMEN: CLASS 28

xyz basketball hoop game

★★★★★ 4.6 (35)



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\$22.30
per mini basketball hoop

Qty: 1

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[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 28

zox jigsaw puzzle

★★★★★ 4.2 (82)



\$16.95
per puzzle

Qty: 1 puzzle

Add to Cart

15% off with code GONEINZFLASH



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Size
8x10 Photo Puzzle with Gift Box [More \(2\)](#)

XYZ SPECIMEN: CLASS 28

xyz jigsaw puzzle

★★★★★ 4.6 (337)



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\$16.95
per puzzle

Qty: 1

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- Size
- ☐ 11" x 14", 30 oversized pieces - Easy +\$...
 - ☐ 16" x 20", 56 pcs - Easy +\$33.00
 - ☒ 8" x 10", 110 pieces - Challenging
 - ☐ 11" x 14", 252 pieces - Challenging +\$2...
 - ☐ 16" x 20", 520 pcs - Hard +\$23.00
 - ☐ 20" x 20", 676 pieces - Difficult +\$38.00
 - ☐ 20" x 30", 1014 pieces - Difficult +\$43.00

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JOHN ZOX SPECIMEN

zox metal ornament

★★★★★ 4.8 (446)

\$20.95

per ornament

Qty: 1 ornament

Add to Cart

15% off with code GONEINZFLASH



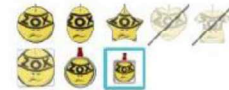
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Style

Premium Square Ornament



Details

XYZ SPECIMEN

xyz metal ornament

★★★★★ 4.8 (986)

\$20.95

per ornament

Qty: 1

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Style

Premium Square Ornament



Details



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JOHN ZOX SPECIMEN

zox ceramic ornament

★★★★★ 4.7 (809)



\$12.95
per ornament

Qty: 1

ornament

Add to Cart

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Style
Oval Ornament



Details



Add A Gift Pouch

☐ Add A Gift Pouch



XYZ SPECIMEN

xyz ceramic ornament

★★★★★ 4.7 (1279)



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\$12.95
per ornament

Qty: 1

Add to Cart

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Style
Oval Ornament



Details



Add A Gift Pouch

☐ Velvet Gift Pouch
+ \$1.95



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21%

JOHN ZOX SPECIMEN

zox metal ornament

★★★★★ 4.8 (154)

\$20.95
per ornament

Qty: 1 ornament

Add to Cart

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Style
Premium Round Ornament



Details

XYZ SPECIMEN

xyz metal ornament

★★★★★ 4.8 (471)

\$20.95
per ornament

Qty: 1

Add to Cart

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Style
Premium Round Ornament



Details



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